

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Roger Caldwell,)	C/A No. 4:09-3198-CMC-TER
)	
Plaintiff,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	
South Carolina Department of Corrections;)	
Evans Warden Mr. Willie L. Eagleton;)	
Head Nurse Ms. Smith; and)	
Sgt. Ms. Curtis,)	
)	
Defendants.)	
)	

This is a civil action filed by a *pro se* plaintiff.¹ Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 concerning his prison conditions of confinement during his incarceration at Evans Correctional Institution. By Order dated March 19, 2010, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process.² Plaintiff was warned that failure to provide the necessary information within the timetable set in the Order would subject the case to dismissal. Plaintiff did not respond to the order and the time for response has lapsed. Plaintiff has failed to prosecute this case and has failed to comply with an order of this Court. It is recommended that this case be should be dismissed *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See*

¹ At the time the plaintiff signed his complaint on December 1, 2009, it appears that he was a prisoner in the Evans Correctional Institution. As of the date the complaint was filed on the docket, it appears that the plaintiff had changed his address. Thus, it appears that the plaintiff is no longer a prisoner.

² This court's standing order, *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), was applied to this action instead of the standing prisoner order.

Link v. Wabash Railroad Company, 370 U.S. 626 (1962). **Plaintiff's attention is directed to the important notice on the next page.**

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

April 28, 2010
Florence, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 2317
Florence, South Carolina 29503

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).